

## REMARKS/ARGUMENTS

Claims 7 – 10 are canceled hereby. New claims 13 – 20 are added hereby. Thus, claims 2 – 6 and 11 – 20 are pending herein.

It is respectfully noted that claim 1 was canceled in the Amendment filed March 13, 2007. Accordingly, the Office Action Summary included in the April 4, 2007 Office Action should have listed claims 2 – 12 as being pending (rather than listing claims 1 – 12 as being pending).

The Applicants thank Examiner Young for the courtesies extended during a telephone conference with the undersigned, in which the Examiner indicated that the amendment to claim 2 set forth above (namely, the insertion of the expression “, with the proviso that A is not substituted with any heteroaryl or heterocyclic group”) relating to the substituent “A” would address the Examiner’s concerns with regard to the Applicant’s response to the Restriction Requirement, and that the entire scope of claim 2, amended as set forth above, would be examined in this application.

Claims 7 – 9 were rejected under 35 U.S.C. §112, first paragraph. As set forth above, claims 7 – 9 have been canceled, rendering this rejection moot. Accordingly, it is respectfully requested that the U.S. PTO reconsider and withdraw this rejection.

In the amendments set forth above (in addition to the amendment to claim 2 as noted above, and the deletion of claims 7 – 9), claim 10, which recited a “pharmaceutical composition” is canceled and new claim 13 is inserted, claim 13 being similar to previous claim 10 but not being dependent on claim 2. In addition, claims 14 – 19, which recite “pharmaceutical compositions” are added as dependent claims. The relationships among claims 2, 3, 4, 5, 6, 11 and 12 are similar to those among claims 13, 14, 15, 16, 17, 18 and 19.

Claim 20 is directed to a pharmaceutical composition for treatment of diabetes and/or diabetic complications. Previous claims 8 and 9 were rejected under 35 U.S. §112, first paragraph. It is respectfully noted that DPP-IV inhibitors are known to be effective in the treatment of diabetes and/or diabetic complications. Furthermore, the present specification includes DPP-IV IC<sub>50</sub> data of many compounds *in vitro*

(paragraphs [0352] – [0355], Table 28) and blood glucose lowering data of compounds *in vivo* (paragraphs [0356] – [0358], Table 29). A person skilled in the art would readily recognize that such data shows that the compounds and pharmaceutical compositions according to the present invention are effective in the treatment of diabetes and/or diabetic complications.

In view of the above, favorable consideration of new claims 13 – 20, together with claims 2 – 6, 11 and 12, is respectfully requested.

If Examiner Young believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, she is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,



Kevin C. Brown  
Reg. No. 32,402

June 29, 2007  
Date

KCB:jms

BURR & BROWN  
P.O. Box 7068  
Syracuse, NY 13261-7068

Customer No.: 025191  
Telephone: (315) 233-8300  
Facsimile: (315) 233-8320